

portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the watercourse, Indian boundary line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the Secretary of the Interior or such agency as he may designate, shall be held and considered as containing the exact quantity expressed in such return; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.

(R.S. § 2396; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### CODIFICATION

R.S. § 2396 derived from act Feb. 11, 1805, ch. 14, § 2, 2 Stat. 313.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

In pars. "First", "Second" and "Third", reference to "Field Surveying Service" changed to "Secretary of the Interior or such agency as he may designate", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

### § 753. Lines of division of half quarter sections; how run

In every case of the division of a quarter section the line for the division thereof shall run north and south, and the corners and contents of half quarter sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by section 752 of this title, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter sections under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

(R.S. § 2397.)

#### CODIFICATION

R.S. § 2397 derived from acts Apr. 24, 1820, ch. 51, § 1, 3 Stat. 566; Apr. 5, 1832, ch. 65, 4 Stat. 503.

### §§ 754 to 756. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 754, R.S. § 2398, related to binding effect of contracts for surveys.

Section 755, R.S. § 2399; acts Oct. 1, 1890, ch. 1262, 26 Stat. 650; Aug. 15, 1894, ch. 288, 28 Stat. 285; Apr. 26, 1902, ch. 592, 32 Stat. 120; Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to various surveying instructions which were to be deemed part of every contract for survey.

Section 756, R.S. § 2400; act Mar. 3, 1875, ch. 130, § 1, 18 Stat. 384, related to establishment of prices of surveys.

### § 757. Cost of survey of private land claims to be reported and paid

An accurate account shall be kept by the Secretary of the Interior or such officer as he may designate of the cost of surveying and platting every private land claim to be reported to the Bureau of Land Management with the map of such claim; and a patent shall not issue nor shall any copy of any such survey be furnished for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the party or parties in interest in said grant or by any other party.

(July 31, 1876, ch. 246, 19 Stat. 121; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Field Surveying Service" changed to "Secretary of the Interior or such agency as he may designate" and "General Land Office" changed to "Bureau of Land Management", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

### § 758. Delivery of patent contingent on refund of cost of survey

In all cases of the survey of private land claims the cost of the same shall be refunded to the Treasury by the owner before the delivery of the patent.

(Mar. 3, 1885, ch. 360, 23 Stat. 499.)

### § 759. Survey for and by settlers in township

When the settlers in any township not mineral or reserved by the Government, or persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof, or when the owners or grantees of public lands of the United States, under any law thereof, desire a survey made of the same under the authority of such agency as the Secretary of the Interior

may designate and shall file an application therefor in writing, and shall deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be lawful for such agency, under such instructions as may be given by the Secretary of the Interior or such officer as he may designate, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return therefor to the general and proper local land office: *Provided*, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys.

(R.S. §2401; Aug. 20, 1894, ch. 302, §1, 28 Stat. 423; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### CODIFICATION

R.S. §2401 derived from act May 30, 1862, ch. 86, §10, 12 Stat. 410.

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to "the Field Surveying Service" changed to "such agency as the Secretary of the Interior may designate" and "such agency," respectively; and "Commissioner of the General Land Office" changed to "Secretary of the Interior or such officer as he may designate", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

#### § 760. Deposit for expenses deemed an appropriation

The deposit of money in a proper United States depository, under the provisions of section 759 of this title, shall be deemed an appropriation of the sums so deposited for the objects contemplated by said section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

(R.S. §2402.)

#### CODIFICATION

R.S. §2402 derived from Res. July 1, 1864, No. 60, 13 Stat. 414.

#### § 761. Repayment of excess of deposits to cover cost of surveys of mineral lands

The Secretary of the Treasury is authorized and directed to pay, out of the moneys here-

tofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of such agency as the Secretary of the Interior may designate in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the office of such agency of the district in which the mineral land surveyed, or sought to be surveyed, is situated and approved by the Secretary of the Interior or such officer as he may designate.

(Feb. 24, 1909, ch. 180, 35 Stat. 645; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to "the United States Field Surveying Service" and "the Field Surveying Service" changed to "such agency as the Secretary of the Interior may designate", and "the office of such agency", respectively; and "Commissioner of the General Land Office" changed to "Secretary of the Interior or such officer as he may designate", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

#### § 762. Deposits made by settlers for surveys to go in part payment of lands

Where settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 759 of this title, certificates shall be issued for such deposits which may be used by settlers in part payment for the lands settled upon by them, the survey of which is paid for out of such deposits, or said certificates may be assigned by indorsement and may be received by the Government in payment for any public lands of the United States in the States where the surveys were made, entered or to be entered under the laws thereof.

(R.S. §2403; Apr. 27, 1876, ch. 84, 19 Stat. 38; Mar. 3, 1879, ch. 170, 20 Stat. 352; Aug. 20, 1894, ch. 302, §2, 28 Stat. 423.)

#### CODIFICATION

R.S. §2403 derived from acts Mar. 3, 1871, ch. 127, 16 Stat. 581; Apr. 27, 1876, ch. 84, 19 Stat. 38.

#### § 763. Deposits in Louisiana applicable to resurveys

Such sums as have been or may be deposited for surveys in Louisiana by actual settlers,